

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES R. THOMPSON and
CLIFFORD M. WEINER

Plaintiffs,

v.

No. 1:12-cv-00276-MCA/GJF

DAPHNE GAMMON,
MARTHA SCHUETZ,
NANCY E. WALKER,
JOHN DEWITT, CATHY DEWITT,
and MARK F. REED

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION
TO RECONSIDER MOTION FOR DEFAULT JUDGMENT**

THIS MATTER is before the Court on James R. Thompson and Clifford M. Weiner's *Motion to Reconsider Motion for Default Judgment* (Doc. 125) (the "Motion"). The Court held a status conference on this matter on April 14, 2016. The Court, having considered the law, the filings and being otherwise fully advised, finds that the Motion is well-taken.

The Court further FINDS that:

Summons was served on both John DeWitt and Cathy DeWitt (the "DeWitts") as required by law;

The returns of summons have been on file for the time required by law;

The DeWitts failed to answer or otherwise appear;

The DeWitts have by their default admitted the allegations in Plaintiff's Original Complaint and all amendments thereto; and


The Clerk of this Court entered default against the DeWitts on June 19, 2014 (Doc. 64).
Accordingly,

IT IS, THEREFORE, ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED:

1. It is DECLARED that the DeWitts have no rights to any easement across any property of Plaintiff James R. Thompson; and
2. It is further DECLARED that the 15' Easement across the property of Plaintiff Clifford M. Weiner continues to exist in favor of the property owned by the DeWitts.

SO ORDERED this 27th day of April, 2016 in Albuquerque, New Mexico.



M. CHRISTINA ARMIÑO
Chief Judge, United States District Court